Fiscal Estimate - 2009 Session

\boxtimes	Original		Updated		Corrected		Supplen	nental
LRB	Number	09-1473/1		Introd	uction Numb	oer A	B-0114	ŀ
Descr Open		lid waste, illega	l storage or dispo	sal of was	te tires, and prov	riding a pe	enalty	
Fiscal	Effect							
Local:	No State Fisco Indeterminate Appropria Decrease Appropria Create Ne No Local Goo	Existing tions Existing tions ew Appropriation evernment Costs	Revenuens 3. Increase	es e Existing es	to abs	orb within Yes ase Costs of Local Iment Uniwns	its Affecte Village	s budget
	2. Decreas		4. Decrease	e Revenue	∐ Co ∏Scl	unties [hool [stricts	Others WTCS Districts	;
Fund Sources Affected Affected Ch. 20 Appropriations GPR FED PRO PRS SEG SEGS								
Agend	cy/Prepared	Ву	Aut	thorized S	ignature			Date
DOJ/ Mark Rinehart (608) 264-9463			3 Mai	k Rinehart (608) 264-9463				3/11/2009

Fiscal Estimate Narratives DOJ 3/11/2009

LRB Number 09-1473/1	Introduction Number AB-0114	Estimate Type Original						
Description								
Open burning of solid waste, illegal storage or disposal of waste tires, and providing a penalty								

Assumptions Used in Arriving at Fiscal Estimate

Currently, the Department of Natural Resources (DNR) performs initial investigations of open burning violations. If DNR determines that a violation has occurred it's exclusive recourse is to refer the case to the Department of Justice (DOJ) for enforcement. The DOJ enforces the law related to open burning by prosecuting violations in circuit court. AB 114 provides the added option that would authorize DNR and local law enforcement officials to issue citations and collect forfeitures for open burning violations.

The DNR referred five civil open burning cases to DOJ in 2006, eight in 2007, and eight in 2008. Enforcement of civil open burning cases requires complaints and abatement orders to be drafted, filed, and served by attorneys in DOJ's Environmental Protection Unit (EPU), and either negotiation of settlement judgments for penalties and remediation, or trial before a court of law, followed by judgment collection and compliance monitoring. DOJ anticipates the EPU will realize a slight reduction in overall workload if AB 114 becomes law and DNR does not refer civil open burning violations to DOJ each year because those cases will be instead enforced through DNR or local law enforcement issued citations.

Long-Range Fiscal Implications